



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,803	09/23/2004	Nobuyuki Fujiwara	450100-04444	3946

7590 12/21/2009
William S Frommer
Frommer Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

EXAMINER

ANDRAMUNO, FRANKLIN S

ART UNIT	PAPER NUMBER
----------	--------------

2424

MAIL DATE	DELIVERY MODE
-----------	---------------

12/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/508,803	Applicant(s) FUJIWARA ET AL.	
	Examiner FRANKLIN S. ANDRAMUNO	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 08/31/09 have been fully considered but they are not persuasive. Applicant argues on page 8 third paragraph, "Lee identifies a keyword that is given by a user but is not included in a management table of a server. After the identification, the identified keyword is added to the management table of the server" While applicant's point is understood examiner respectfully disagrees. Figure 1 of Lee describes the search and display result (S102), feedback of correct object (S103). Examiner points out that in order to add keyword KW as a keyword for the multimedia object if $(KW \in K_u \text{ and } KW \notin K_m)$. Lee further explains on (column 3 lines 59-62) namely if a keyword used during a search is not registered in the corresponding multimedia object management table, the keyword is newly registered.
2. Applicant also argues on page 9 first paragraph, "the identified keyword of Lee is added to the management table of the server after a search is finished." Applicant again disagrees. Under KSR rule all known elements of a given art could be combined by known methods to yield predictable results. It would have been obvious at the time of the invention to change the order in which a function takes place. In addition, examiner points out that claim 1 does not include any order in which the identified keyword is aggregated. As a result, Lee actually affects the results of a current search.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumita (US 6,581,207 B1) in view of Lee et al (US 6,751,613 B1).

Regarding claims 1, 5-6, Sumita discloses an information processing apparatus, method, a recording medium which records a program in a computer-readable format, and a program which controls a computer to execute comprising: first generating means for generating a content information space based on content information and on additional information related to said content information (**Information filtering unit (2) in figure 1 and figure 6**); receiving means for receiving search information from an information processing terminal over a network (**col.4, lines 40-50**); first acquiring means for acquiring a search keyword from said search information received by said receiving means (**Keyword Extraction (E3) in figure 8**); searching means for

Art Unit: 2424

searching a search-related information database for information related to said search keyword acquired by said first acquiring means (**Find frequency of words contained in scenes to be processed (F2) in figure 10**); second generating means for generating a search keyword space based on said related information retrieved by said searching means and on said search keyword (**Field Dictionary Section (147) in figure 21**); comparing means for comparing information (**Compute similarity to profile (G2) in figure 13**) in said content information space generated by said first generating means with information in said search keyword space generated by said second generating means (**Retrieve keywords associated with informed program from electric program guide information storage section (J1) in figure 16**); preparing means for preparing a list of display-ready information from the information deemed to match as a result of the comparison by said comparing means; and transmitting means for transmitting said list of display-ready information prepared by said preparing means to said information processing terminal (**Send channel-to-time information to equipment transmitting/receiving section (D7) in figure 6**).

However, Sumita fails to compare the results of the searches by said comparison means. Lee discloses a compare unit in (**figure 1**), that compares the keywords used for the search with the keywords for the feedback multimedia object. In addition, Lee also teaches correcting means for correcting (**feedback of correct object in figure 1**) and adding variable notations in the search keyword space (**applicant shows that in paragraph (0108) of the specs the correcting process specifically involves adding as search related keywords data. Lee shows in (figure 1) that**

section (s105) adds keyword KW as a keyword for the multimedia object is all conditions are met).

Therefore, it would have been obvious at the time of the invention to include the use of a comparison search means. This is a useful combination because a system is capable of acquiring the closest relationship to a search by comparing user profiles.

Regarding claim 2, Sumita discloses an information processing apparatus according to claim 1, further comprising updating means for updating said search-related information database on the basis of said content information space generated by said first generating means **(Store keyword-to-time information into program information storage).**

Regarding claim 3, Lee discloses an information processing apparatus according to claim 1, wherein said preparing means prepares said list of display-related information from the matching information **(column 2 lines 32-39)** derived from the comparison by said comparing means, in accordance with said search information **(compare keyword in figure 2).**

Regarding claim 4, Sumita discloses an information processing apparatus according to claim 1, further comprising second acquiring means **(Add Keywords that are not contained in profile (J2) in figure 15)** for acquiring said content information from another information processing apparatus over said network **(Content Analyzing Section (14) in figure 2).**

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2424

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art
Unit 2424